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cont
a coil spring (22) interacting between said components (18, 20) to bias said components (18, 20) together to shorten the overall length of said first and second conduit sections (14, 16).

REMARKS/ARGUMENTS

Following the above amendment and the Decision of the Board of Patent Appeals and Interferences of March 29, 2002, all of the claims 4-40 are allowable.

However, method claims 30-36 stand withdrawn as directed to a non-elected invention. Consistent with the Board's Decision, the Examiner is respectfully requested to withdraw the restriction requirement and allow method claims 30-36 along with allowable claims 4-29 and 37-40. The method claims 30-36 are inherently allowable in view of the Board's Decision as not of the prior art suggests "biasing the adjustment components (18, 20) together to shorten the overall length of the first (14) and second (16) conduit sections". Applicant has endured lengthy prosecution and expense and it would endure yet further undue hardship to file a divisional application under the Re-issue requirements to obtain clearly allowable claims 30-36. In addition, it would be unfair to the public at large to have two re-issue patents from one parent. Applicant pleads with the Examiner to withdraw the restriction and allow claims 30-36.

In the event the Examiner does not withdraw the restriction requirement, the Examiner is authorized to cancel claims 30-36 whereupon the applicant will file a divisional application.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

4/11/02
Date

Harold W. Milton
Harold W. Milton, Registration No. 22,180
The Pinchurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

VERSION WITH MARKS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 37 has been amended as follows:

Please amend claim 37 as follows:

37. (Amended) A motion transmitting remote control assembly (10) for transmitting motion in a curved path, said assembly comprising;
- a first (14) and second (16) conduit sections;
 - a flexible motion transmitting core element (12) movably supported in said conduit sections;
 - adjustment components (18, 20) interconnecting said first and second conduit sections (14, 16) and in telescoping relationship with each other for adjusting the overall length of said first and second conduit sections (14, 16);
 - a pillar (36) extending into said adjustment components (18, 20) and having a bore therethrough for receiving said core element (12); and
 - a coil spring (22) interacting between said [members] components (18, 20) to bias said [members] components (18, 20) together to shorten the overall length of said first and second conduit sections (14, 16).

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this **REQUEST FOR RECONSIDERATION AND AMENDMENT AFTER APPEAL** for Serial Number 09/115,764 is being sent by Facsimile Transmission to the Commissioner of Patents and Trademarks, Washington, D.C., to the attention of Examiner V. Luong from Group: 3682, to Facsimile Phone Number (703) 305-7687 on April 11, 2002.

Anne L. Kubit

Anne L. Kubit

Howard & Howard

law for business

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HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE 101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MICHIGAN 48304-5151

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